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Policy Issues for Federated Identity Management

ABA FEDERATED IDENTITY TASK FORCE

January 29th, 2010

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These slides are available at <http://www.cdt.org/>



The Center for Democracy and Technology

- **CDT is a non-profit public interest organization working to keep the Internet open, innovative, and free.**
- **CDT has expertise in law, technology, and policy, working to enhance free expression and privacy in communications technologies by finding practical and innovative solutions to public policy challenges while protecting civil liberties.**



Key Issues for Trusted Online Relationships

- **Focus on identifying the key issues that must be resolved in order to create trusted online relationships**
- **Goal is to create marketplace with privacy protective identity providers**
- **Requires the establishment of an appropriate set of minimum obligations for identity providers, relying parties, and users**





Key Issues for Trusted Online Relationships

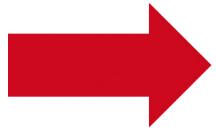
- How do we impose meaningful privacy protections?
- How do we create meaningful user engagement in the policy process?
- How do we create meaningful dispute resolution mechanisms?

Issues for Responsible User-Centric Identity:

http://www.cdt.org/files/pdfs/Issues_for_Responsible_UCI.pdf



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Options

- **Government regulation, either new or existing**
- **Self-regulation**
- **Contractual agreements, but between which parties?**



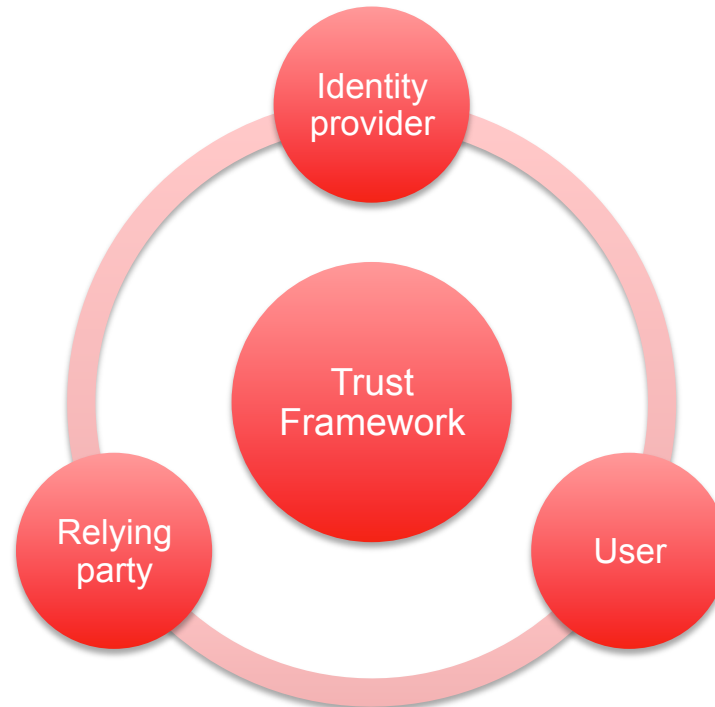
Terms of Service are inadequate

- **Users are not given confidence that their needs are addressed**
- **Rarely addresses responsibility of relying party**
- **FTC cases cast doubt on EULA enforceability**
- **Identity provider has a different relationship with a user than most web sites**
 - **[requires a higher degree of trust and a larger amount of certainty, more sensitive information] than typical web services, requiring a**



Three Party Contract

- **Creating appropriate obligations among the parties will create stronger, more trusted online relationships**





Three Party Contracts

- **Special purpose contract imposes binding obligations on each of the three parties**
 - **Becomes binding when information is exchanged**
 - **Each party has the ability to bring enforcement action against another party**
 - **Provides for dispute resolution and limitations on liability**
- **Can be imposed as a condition of participation in a Trust Framework**



Why a Three Party Contract?

- **More direct enforcement through mutually agreed upon dispute resolution process**
- **Greater flexibility than a statute, more protective than self-regulation**
- **Not dependant on Trust Framework resources or motivation for enforcement**
- **Clear signal regarding applicable rules [FIX WORDING]**





Fair Credit Reporting Act

- **FCRA regulates the practice of “assembling or evaluating consumer credit information or other information ... for the purpose of furnishing consumer reports to third parties ...”**
- **A "consumer report" is defined as the communication of "any information" that bears on a consumer's "credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living”**





Why agree to a contract?

- **Avoid legislation through effective and meaningful self-regulation**
- **When it comes down to exact obligations, that should be the subject of a negotiation between parties, taking into account privacy principles and addressing key issues**
- **CDT is happy discuss our potential solutions with any interested parties**



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